

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

MARQUISE WALKER,

Plaintiff,

v.

HOWARD, et al.,

Defendant.

Case No.: 1:22-cv-00332-JLT-CDB

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS TO DISMISS THIS
ACTION WITHOUT PREJUDICE FOR
PLAINTIFF'S FAILURE TO PROSECUTE

(Doc. 26)

Plaintiff seeks to hold defendant liable for violations of his civil rights pursuant to 42 U.S.C. § 1983. This matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

The magistrate judge recommended that this action be dismissed without prejudice for Plaintiff's failure to prosecute, or, alternatively, that defendant's motion to dismiss be granted in part and denied in part, and that Plaintiff be granted leave to file a first amended complaint within thirty days. (Doc. 26.) The magistrate judge advised the parties that the "failure to file objections within the specified time may result in waiver of his rights on appeal." (*Id.* at 11-12, citing *Wilkerson v. Wheeler*, 772 F.3d 834, 839 (9th Cir. 2014); *Baxter v. Sullivan*, 923 F.2d 1391, 1394 (9th Cir. 1991)). No party has filed objections and the time to do so has passed.

According to 28 U.S.C. § 636(b)(1)(C), this Court conducted a de novo review of this case. Having carefully reviewed the matter, the Court concludes the Findings and

1 Recommendations to be supported by the record and proper analysis. The Court is most
2 persuaded, in taking the action below, by the fact that Plaintiff failed to respond to a specific order
3 of the Court and failed to file any objections to the findings and recommendations. The Court
4 concludes that Plaintiff is no longer interested in pursuing this action. Thus, the Court **ORDERS**:

- 5 1. The Findings and Recommendations issued on October 1, 2024 (Doc. 26) are
6 **ADOPTED**.
- 7 2. This action is **DISMISSED** without prejudice for Plaintiff's failure to prosecute.
- 8 3. The Clerk of the Court is directed to terminate all pending motions and to close this
9 case.

10
11 IT IS SO ORDERED.

12 Dated: **October 28, 2024**


UNITED STATES DISTRICT JUDGE